

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION

LINDA BENOIT) DOCKET NO.
-vs-) 11-0718
AMEREN ILLINOIS COMPANY)
d/b/a Ameren Illinois)
Complaint as to billing/charges in)
Cahokia, Illinois.)

Springfield, Illinois
Wednesday, February 22, 2012

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. JOHN ALBERS, Administrative Law Judge

APPEARANCES:

MS. LINDA BENOIT
417 East Drive
East Alton, Illinois 62024

(Appearing pro se)

Molly A. Hobbie, Reporter
CSR # 084-003897

1 APPEARANCES: (Continued)

2 MR. CHARLES Y. DAVIS
3 BROWN HAY & STEPHENS, LLP
4 205 South Fifth Street, Suite 700
5 Springfield, Illinois 62705
6 E-mail: cdavis@bhslaw.com

7 (Appearing on behalf of
8 Respondent)

9 ALSO PRESENT:

10 Ms. Trish Spinner
11 Ameren Illinois Company
12
13
14
15
16
17
18
19
20
21
22

1		<u>I N D E X</u>			
2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	(None)				
5					
6					
7					
8					
9					
10					
11					
12					
13		<u>EXHIBITS</u>			
14					
15				<u>MARKED</u>	<u>ADMITTED</u>
16	(None)				
17					
18					
19					
20					
21					
22					

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I'll now call Docket Number 11-0718. This docket concerns a complaint filed by Linda Benoit against Ameren Illinois Company, d/b/a Ameren Illinois. Specifically the complaint concerns billing or charges in Cahokia, Illinois. And for the record then could you both please state your name and address.

MS. BENOIT: Who's first?

JUDGE ALBERS: Go ahead. You can go first.

MS. BENOIT: Okay. Linda Benoit, 417 East Drive, East Alton, Illinois. Zip 62024.

MR. DAVIS: Charles Davis with the law firm of Brown Hay & Stephens. We represent Ameren Illinois Company. We are located at 205 South Fifth Street, Suite 700, Springfield, Illinois, 62701. My phone number is (217) 544-8491. E-mail address is cdavis@bhslaw.com, and I have Trish Spinner here with me today, a regulatory specialist with Ameren.

JUDGE ALBERS: All right. Thank you. Let the

1 record reflect there are no others wishing to enter
2 an appearance. We had planned on using today as the
3 evidentiary hearing in this matter; however, it has
4 been brought to my attention by the parties that
5 Ameren has -- it has been brought to my attention
6 through a motion filed by Ameren on February 21st
7 that Ameren has made an offer to settle this case and
8 it is my understanding that Ms. Benoit has faxed
9 information to Ameren seeking some further response
10 or input from Ameren concerning that settlement
11 offer.

12 The parties are going to try to
13 discuss between themselves reaching a mutually
14 agreeable settlement so rather than having an
15 evidentiary hearing today, we've decided to use today
16 as a status hearing and it's also my understanding
17 that the parties will use the next day or so to
18 discuss between themselves to try to resolve this and
19 we can meet again on March 1st, that's next Thursday,
20 at 9:30 for another telephone conference hearing.

21 With regard to the February 21st
22 motion that Ameren filed, in that they sought

1 dismissal of the complaint because they believe they
2 had offered the Complainant what she was seeking. I
3 will not rule on that motion while the parties are
4 still negotiating between themselves trying to
5 resolve this case.

6 If the parties are able to resolve
7 this case, when we meet again next Thursday we can
8 get that in the record and we will conclude this
9 matter. If they are not able to resolve the case,
10 then we will set an appropriate schedule for what we
11 have to deal with which will be the February 21st
12 motion for dismissal and the potentially the
13 outstanding evidentiary hearing.

14 So do either of you have anything
15 you'd like to add or correct me on?

16 MR. DAVIS: I have nothing further from Ameren.

17 MS. BENOIT: No, I do not.

18 JUDGE ALBERS: Okay. Well, thank you both.
19 Then if there is nothing further, then I will
20 continue --

21 MS. BENOIT: So what happens now?

22 JUDGE ALBERS: Okay. Do you want -- is that on

1 the record? Is that part of the formal?

2 MS. BENOIT: Yes.

3 JUDGE ALBERS: No, that's fine, that's fine.

4 It's my understanding then that Ameren will be

5 looking at the information you faxed to Mr. Davis

6 yesterday and will get back to you to let you know,

7 and I have no idea what it was you sent to them, but

8 will get back to you with their response.

9 MS. BENOIT: Uh-huh.

10 JUDGE ALBERS: And if the two of you can agree

11 to have some mutually acceptable agreement, then I

12 would consider this case settled and the Commission

13 would dismiss it without any type of final decision.

14 MS. BENOIT: So did you need a copy of what was

15 faxed to Attorney Davis?

16 JUDGE ALBERS: Not at this time. I mean I

17 don't know what it was but, you know, if it's

18 something that, regardless of your settlement issues,

19 would be in the record for any evidentiary hearing

20 that might come up later, but typically information

21 exchanged in a settlement negotiation are not shared

22 with the judge.

1 So at this time don't bother sending
2 it to me so it will be just between the two of you to
3 try to come to some agreement.

4 MS. BENOIT: Okay. That's fine. Is that
5 agreeable with you, Attorney Davis?

6 MR. DAVIS: Yes, we will get back to you and we
7 will do our best here.

8 JUDGE ALBERS: Okay. Do you have like an
9 estimated time frame that she might hear from you
10 guys?

11 MS. SPINNER: I would hope by the end of the
12 week.

13 JUDGE ALBERS: Did you hear that,
14 Ms. Benoit?

15 MR. DAVIS: That's agreeable.

16 JUDGE ALBERS: Okay. All right.

17 MS. BENOIT: And how will you contact me,
18 Attorney Davis?

19 MR. DAVIS: However you prefer. You tell me
20 what you'd like to do and that's what I'll do. Is
21 e-mail okay or would you like me to -- I think I want
22 to put something in writing. I think it's easier to

1 explain these numbers in writing so whether it's --

2 MS. BENOIT: That's fine.

3 MR. DAVIS: E-mail is okay?

4 MS. BENOIT: Yeah.

5 MR. DAVIS: Okay.

6 JUDGE ALBERS: Okay. Anything else for the

7 record today?

8 MR. DAVIS: Ameren has nothing further.

9 MS. BENOIT: No, neither do I.

10 JUDGE ALBERS: Okay. All right. Well, thank

11 you both and with that I will continue this matter to

12 9:30 on March 1st.

13 MR. DAVIS: Okay. You guys have a great date

14 today.

15 JUDGE ALBERS: Bye. You too.

16 (Whereupon the hearing in this

17 matter was continued until March

18 1, 2012, at 9:30 a.m. in

19 Springfield, Illinois.)

20

21

22